

Preliminary Remarks

Figures 1 and 2 have been objected to for failure to include the legend --prior art--. The newly filed drawings include such a legend and, therefore, render the objection to the drawings moot.

Claim 4 has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Newly-filed claim 3 which corresponds to claim 4 in the parent case calls for the bimodal magnetizable particles to comprise carbonyl iron particles. Newly-filed claim 3 is believed to render moot the rejection of claim 4 in the parent case.

Claims 17 and 20 in parent case have been rejected under 35 U.S.C. §112, first paragraph. Newly-filed claim 15 corresponds to claim 17 in the parent case and now includes the range from about 280 to about 300, which corresponds to the written description at page 9, line 6. Newly-filed claim 16 corresponds to claim 20 in the parent case. The language in claim 16 with respect to an additive packaging including a stearate and a thiophosphate is consistent with the written description at page 8, lines 3-6, and page 12, lines 28-30. Newly-filed claims 15 and 16 are believed to fully address the rejection of claims 17 and 20 under 35 U.S.C. §112 in the parent case.

Claim 18 in the parent case has been rejected under 35 U.S.C. §103(a) as being unpatentable over Munoz. A claim corresponding to claim 18 in the parent case has not been filed in this continuation-in-parent.

Claim 18 and 19 in the parent case have been rejected under 35 U.S.C. §103(a) as being unpatentable over Weiss et all in view of Kintz et al. A claim corresponding to claim 19 in the parent case has not been filed in this continuation-in-part. Furthermore, Applicants maintain that Weiss et al does not disclose or suggest bimodal magnetizable particles, particularly of the type called for in Applicants' independent claims.

Claims 1-23 in the parent case have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of co-pending Application No. 09/923,302 in view of Weiss et al and Kintz et al. Applicants have submitted a terminal disclaimer with respect to Applicants' co-pending US Serial No. 09/923,302.

In view of the above preliminary remarks, Applicants respectfully request allowance of the claims now in this continuation-in-part.

Respectfully submitted,

Cary W. Brooks
CARY W. BROOKS
Registration No. 33,361
Telephone: 313-665-4717

CWB:plul